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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/774,727
Filing Date: January 31, 2001
Appellant(s): LYONS, MARTHA L.

Thomas J. Meaney (Reg. No.: 41,990)
For Appellant

SUBSTITUTE EXAMINER'S ANSWER

In order to be consistent with the appeal brief filed July 25, 2005 the following headings have been corrected:

- (a) *Summary of the Claimed Subject Matter, replacing [Summary of the Invention].*
- (b) *Evidence Relied Upon, replacing [Prior Art of Record].*
- (c) *Ground of Rejections to be Reviewed, replacing [Grouping of claims and grounds of rejection].*
- (d) *Acknowledgement of the Related Proceedings and Evidence appendices.*

A statement identifying the real party in interest is contained in the brief.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of the Claimed Subject Matter*

The summary of invention contained in the brief is deficient because the Applicant is only provided where in the specification each limitation of the claims is supported without providing a brief summary of the invention.

(6) *Grouping of Rejection to be Reviewed on Appeal*

The rejection of claims 1-20 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(7) *Claims- Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) *Evidence Relied Upon*

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) *Related Proceeding(s) Appendix*

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Lang US Patent application Publication no. US/2002/0046041 in view of Coueignoux US Patent no. 6,092,197. This rejection is set forth in a prior Office Action, mailed on January 27, 2005 is thereby provided below.

A. *Final rejection*

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang US Patent application Publication no. US/2002/0046041 in view of Coueignoux US Patent no. 6,092,197.

As to claim 1, Lang discloses an automated system for providing reputation and trust information ([0002]). In particular, Lang discloses the claimed limitation “a database for storing said reputation information” as a database (36) that holds reputation information in which a client seeks to access from the reputation service (see fig.2; page 2, [0023]); “security measures for verifying identities of at least one of said user and a plurality of community organizations” in order to gain access to services provided by the servers 32 and 46, users 44 have to connect to the network 42 (fig.2; page 2, [0023], [0029]);

wherein in fig.7, requesters (users) are required to provide the user ID and password; and “a communication system for receiving said reputation information and transmitting said reputation information to said plurality of community organizations” communication 42 receives a response in response to a request. However Lang does not explicitly disclose the use of transmitting a reputation information in responsive to an authorization received by said user.

On the other hand, Coueignoux discloses a system for controlling the disclosure of facts between parties of potential interest includes a sender in communication with a first transmission medium, wherein the sending agent includes a processing module to initiate queries of the user, wherein each query asks the user to disclose a fact and provides authorization for publication of the fact to the sender, and wherein the sending agent communicates to the sender only facts with authorization for publication provided by the user (col.2, lines 32-34) and exploiting information such as confidential information from a user while securing the information from unauthorized publication, wherein such confidential information is not release to any party until an authorization is received by the user. In particular, Coueignoux discloses the use of “transmitting a reputation information in responsive to an authorization received by said user” by transmitting the confidential information only in response to authorization by the user (col.6, lines 46-54, lines 59-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the automated reputation service provided therein (see Lang’s fig.2, item 44) would incorporate the use of “transmitting a reputation information in responsive to an authorization received by said user” in the same conventional manner as

disclosed by Coueignoux (col.6, lines 46-54, lines 59-63). One having ordinary skill in the art would have found it motivated to utilize such a combination in order to release the confidential information (reputation information) only in response to an authorization signed by the user, thereby ensuring facts (information) are only transmitted if consent for publication is affirmatively given.

Schuba (patent application publication no. US 2002/003261 A1) is not part of the rejection, discloses a system for authorization of transaction, wherein user equipment receives an authorization request with an identifier of a transaction and replies to the request with an authorization response. In particular, Schuba (patent application publication no. US 2002/003261 A1) discloses the use of “transmitting a reputation information in responsive to an authorization received by said user” as a means for transmitting the message information in response to authorization by the user ([0021]) or an authorization from the user ([0052]).

Lambert, patent no. 6,572,014, is also not part of the rejection, discloses a system for detecting a user action and for converting the user input into a data first stream. In particular, Lambert, patent no. 6,572,014, discloses the use of “transmitting a reputation information in responsive to an authorization received by said user” as a means for transmitting information data in a response or an authorization by the user (col.15, lines 2-6).

As to claim 2, Lang discloses the claimed “information related to activities of said user”([0031]-[0035]; “information related to qualification of said user” ([0031]-[0035])); and “information related to reliability of said user” ([0031]-[0035]).

As to claim 3, Lang discloses the claimed “a certification engine for authenticity of said transmitted reputation information”([0042]-[0043]).

As to claim 4, Lang discloses the claimed limitations “a reputation information classifier for grouping pieces of said reputation information into predetermined categories related to activities conducted with said plurality of communication organizations”([0031]; [0032]; [0034] and [0038]-[0039]).

As to claim 5, Lang discloses the claimed limitation “wherein said plurality of community organizations received said reputation information in categories related to said activities conducted on said plurality of community organizations”([0031]-[0035]; and [0039]).

As to claim 6, Lang discloses the claimed “wherein said user authorization is provided by said user to said plurality of community organization for receiving said reputation information from said reputation authority”([0035]; [0042]; [0043]).

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As to claim 7, Lang discloses the claimed “wherein said user authorizes said reputation authority to transmit said reputation to said plurality of community organizations”([0041]-[0043]).

As to claim 8, Lang discloses the claimed “wherein at least one of said user and said plurality of community organizations subscribes to said reputation authority in order to participate in said electronically storing reputation information”([0031]-[0035]; [0044]-[0045] and [0050]-[0052]).

As to claim 9, Lang discloses the claimed “verifying an identity of one of an associated user and an accessing third party responsive to a request to access said centralized repository” as a means determining whether the requester is authorized to access the requested information, wherein if the reputation information is particularly sensitive, only selected parties may be able to access this information, and wherein the authorization may require that the requesting that the requester provide the user ID and password in some instance, in order to ensure the information reaches the appropriate party and is only modifiable by the appropriate requesting party ([0007], [0041]-[0043]; fig.2; and fig.7); “receiving said identity attributes from at least one of said verified associated user and said verified accessing third party”([0043]; fig.2; and fig.7); “storing said identity attribute in a database indexed according to said verified associated user” ([[0025]-0030]; fig.2; and fig.7) and “delivering at least one set of said identity attributes to said verified third party” as a means for providing selected parties to be able to access the reputation information, and where the authorization may require that the requester provide the user

ID and password in some instance, in order to ensure the information reaches the appropriate party and is only modifiable by the appropriate requesting party ([0007], [0025]-[0030]; [0042]-[0043]; fig.2; and fig.7). Applicant should duly note that Lang discloses a name field to identify the name of the party as well as an identification that uniquely identifies the party amongst the parties for which reputation data is held by the reputation service, the third party is, therefore, incorporated. However Lang does not explicitly disclose the use of transmitting a reputation information in responsive to an authorization received from said verified associated user.

On the other hand, Coueignoux discloses a system for controlling the disclosure of facts between parties of potential interest includes a sender in communication with a first transmission medium, wherein the sending agent includes a processing module to initiate queries of the user, wherein each query asks the user to disclose a fact and provides authorization for publication of the fact to the sender, and wherein the sending agent communicates to the sender only facts with authorization for publication provided by the user (col.2, lines 32-34) and exploiting information such as confidential information from a user while securing the information from unauthorized publication, wherein such confidential information is not release to any party until an authorization is received by the user. In particular, Coueignoux discloses the use of “transmitting a reputation information in responsive to an authorization received by said user” by transmitting the confidential information only in response to authorization by the user (col.6, lines 46-54, lines 59-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the automated reputation service provided therein (see Lang’s fig.2,

item 44) would incorporate the use of “transmitting a reputation information in responsive to an authorization received by said user” in the same conventional manner as disclosed by Coueignoux (col.6, lines 46-54, lines 59-63). One having ordinary skill in the art would have found it motivated to utilize such a combination in order to release the confidential information (reputation information) only in response to an authorization signed by the user, thereby ensuring facts (information) are only transmitted if consent for publication is affirmatively given.

As to claim 10, Lang discloses the claimed “categorizing said identity attribute into sets related to activities of said accessing third party” [0037]-[0039].

As to claim 11, Lang discloses the claimed “wherein said at least one set comprises said sets related to activities of said accessing third party”[0032]-[0039].

As to claim 12, Lang discloses the claimed “processing a request for said at least one set of identity attributes from said accessing third party, wherein said associated user provides said authorization to said accessing third party”[0042]-[0043].

As to claim 13, Lang discloses the claimed “updating said stored identity attributes from at least one of said associated user and said accessing third party” (fig.2) and “certifying said at least one set of said identity attributes”([0047]; fig.2 and fig.10).

As to claim 14, Lang discloses the claimed “registering at least at least one of said associated user and said accessing third party with said centralized repository of identity attributes for receiving prior to said verifying step”([0042], fig.2).

As to claim 15, Lang discloses the claimed “means for verifying an identity of one of a plurality of users and a plurality of participating user community responsive to a request to access said clearinghouse”([0041]-[0042], fig.2); “means for storing reliability data from one of said verified plurality of users and said verified plurality of participating user community”([0029]-[0035]; [0043]; fig.2); “means for associating said stored reliability data with an associated user”([0030]; [0031]; [0043] and fig.2); and “means releasing selected reliability data to one of said verified plurality of participating user community” as a means for providing selected parties to be able to access the reputation information, and where the authorization may require that the requester provide the user ID and password in some instance, in order to ensure the information reaches the appropriate party and is only modifiable by the appropriate requesting party ([0007], [0025]-0030]; [0042]-[0043]; fig.2). Applicant should duly note that Lang discloses a name field to identify the name of the party as well as an identification that uniquely identifies the party amongst the parties for which reputation data is held by the reputation service, the third party is, therefore, incorporated. However Lang does not explicitly disclose the use of transmitting a reputation information in responsive to consent giving by said associated user.

On the other hand, Coueignoux discloses a system for controlling the disclosure of facts between parties of potential interest includes a sender in communication with a

first transmission medium, wherein the sending agent includes a processing module to initiate queries of the user, wherein each query asks the user to disclose a fact and provides authorization for publication of the fact to the sender, and wherein the sending agent communicates to the sender only facts with authorization for publication provided by the user (col.2, lines 32-34) and exploiting information such as confidential information from a user while securing the information from unauthorized publication, wherein such confidential information is not release to any party until an authorization is received by the user. In particular, Coueignoux discloses the use of "transmitting a reputation information in responsive to an authorization received by said user" by transmitting the confidential information only in response to authorization by the user (col.6, lines 46-54, lines 59-63).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the automated reputation service provided therein (see Lang's fig.2, item 44) would incorporate the use of "transmitting a reputation information in responsive to consent giving by said associated user" in the same conventional manner as disclosed by Coueignoux (col.6, lines 46-54, lines 59-63). One having ordinary skill in the art would have found it motivated to utilize such a combination in order to release the confidential information (reputation information) only in response to an authorization signed by the user, thereby ensuring facts (information) are only transmitted if consent for publication is affirmatively given.

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As to claim 16, Lang discloses the claimed “means for updating said stored reliability data from at least one of said plurality of users and said plurality of participating user communities” ([0023], [0047]; fig.2).

As to claim 17, Lang discloses the claimed “means for classifying said reliability data into groups related to activities of said plurality of participating user communities”([0031]-[0039]; fig.2).

As to claim 18, Lang discloses the claimed “wherein said selected reliability data comprises said groups related to activities of said plurality of participating user communities”([0031]-[0039]; fig.2).

As to claim 19, Lang discloses the claimed “means for processing request for said selected reliability data from said plurality of participating user communities, wherein said verified one of said plurality of users provides said consent to said plurality of participating user communities”([0042]-[0044]; fig.2).

As to claim 20, Lang discloses the claimed “means for processing a request to deliver said selected reliability data from said verified one of said plurality of users, wherein said verified one of said plurality of users provides said consent to said reputation management clearinghouse” ([0043]-[0046]; fig.2).

(B). Response to Applicant's arguments**(a). First ground**

1. Appellant asserted that Coueignoux reference is not analogous to claimed invention, and therefore, Coueignoux cannot properly be combined with Lang under 35 USC 103. Applicant relied on numerous case laws, (In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992); see also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992), and Wang Laboratories Inc. v. Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993)), supporting his assertion.

The examiner respectfully disagrees with respect to Appellant's argument that Coueignoux reference is not analogous to claimed invention, and cannot properly be combined with Lang under 35 USC 103. The aforementioned assertions, wherein the Coueignoux reference is not within the same endeavor as the claimed invention, was unsupported by objective factual evidence and was not found to be substantial evidentiary value.

It is respectfully submitted that Coueignoux discloses a system that controls the disclosure of facts between parties of potential interest includes a sender in communication with a first transmission medium, wherein the sending agent includes a processing module to initiate queries of the user, wherein each query asks the user to disclose a fact and provides authorization for publication of the fact to the sender, and wherein the sending agent communicates to the sender only facts with authorization for publication provided by the user (col.2, lines 32-34) and exploits confidential information from a user while securing the information from unauthorized publication, wherein such

confidential information is not transmitted to any party until an authorization is received by the user in order to ensure facts are only transmitted if consent for publication is affirmatively given. Similarly to the description provided by the Appellant's arguments page 5, lines 5-11 and specification of the instant application page 9, lines 15-27.

Lang, however, is directed to an automated reputation clearinghouse for gathering and furnishing information regarding reputation of parties relative to several traits, wherein a client is allowed to access the reputation clearinghouse through a communication network to furnish the reputation information of a selected party according to the given trait. In particular, Lang discloses "a database for storing said reputation information" as a database (36) that holds reputation information in which a client seeks to access from the reputation service (see fig.2; page 2, [0023]); "security measures for verifying identities of at least one of said user and a plurality of community organizations" in order to gain access to services provided by the servers 32 and 46, users 44 have to connect to the network 42 (fig.2; page 2, [0023], [0029]); wherein in fig.7, requesters (users) are required to provide the user ID and password; and "a communication system for receiving said reputation information and transmitting said reputation information to said plurality of community organizations" communication 42 receives a response in response to a request.

Lang does not explicitly disclose the use of transmitting a reputation information in responsive to an authorization received by said user.

Since Coueignoux exploits confidential information from a user while securing the information from unauthorized publication, wherein such confidential information is not transmitted to any party until an authorization is received by the user in order to

ensure confidential information are only transmitted if consent for publication is affirmatively given, wherein such a confidential information provided therein has no bearing of what type of information the user is relied upon. One having ordinary skill in the art would have found it obvious to combine the teachings of Lang and Coueignoux by incorporating the reputation information of Lang into the confidential information of Coueignoux and exploiting such confidential information (reputation information) from a user while securing the information from unauthorized publication in order to ensure facts are only transmitted if consent for publication is affirmatively given (col.2, lines 32-34; col.6, lines 46-54, lines 59-63).

Hence, the *prima facie* obvious combination Lang and Coueignoux would have resulted in a combination system that exploits confidential information from a user while securing the information from unauthorized publication, wherein such confidential information is not transmitted to any party until an authorization is received by the user in order to ensure facts are only transmitted if consent for publication is affirmatively given (col.2, lines 32-34; col.6, lines 46-54, lines 59-63).

Clearly, Appellant's assertion that Coueignoux is not analogous to claimed invention, and cannot properly be combined with Lang is an error.

(b). Second ground

1. Appellant asserted that there is not motivation to combine Lang and Coueignoux references and the examiner has failed to establish a prima facie case of obviousness under 35 U.S.C 103 with respect to the present claims (Appellant's brief, page 8).

The examiner disagrees with the precedent assertion. Appellant appears to misinterpret the guidance given under MPEP 2142. In particular, references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969.

MPEP 2143 states:

"To establish a prima facie case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

As set forth in the office actions mailed January 27, 2005, the suggestion to modify Land is suggested by both and knowledge of the ordinary skilled artisan at the time the invention was made. The Court, *In re Fritch*, stated "the examiner can satisfy the above mentioned assertion only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references". *In re fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (Citing *In re Lalu*, 747, F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988). Specifically, Coueignoux teaches that it was

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desirable to transmit confidential information to a party if consent for publication is affirmatively given. Additionally, the ordinary skilled artisan, as well as those of less than ordinary skill in the art, would have recognized the advantages of seeking confidential information across an multiple party to ensure confidential information are only transmitted if consent for publication is affirmatively given.

Moreover, the issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions In re Delisle 406 Fed 1326, 160 USPQ 806; In re Kell, Terry and Davies 208 USPQ 871; and In re Fine, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1596, 1598 (Fed. Cir. 1988) (Citing In re Lalu, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was determined In re Lamberti et al., 192 USPQ 278 (CCPA) that:

- (a) Obviousness does not require absolute predictability;
- (b) Non-preferred embodiments of prior art must also be considered; and
- (c) The question is not express teaching of references, but what they would suggest.

According to In re Jacoby, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In re Bode, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement, that which is disclosed therein.

Hence, the examiner has clearly established the first criteria of the prima facie case of obviousness.

Secondly, the examiner has established that there is a reasonable expectation of success of the Lang/Coueignoux combination. In the last office action, the examiner went through the claims phrase by phrase and referred to the prior art column and line number as to where he has drawn the correspondences between appellant' claims phrases and prior art. Both Lang and Coueignoux are directed to security measures for allowing only authorized clients to exchange confidential information across a given network. As to indicated in the January 27, 2005 Final office action, Lang discloses all of the claimed subject matter except for the use of transmitting a reputation information in responsive to an authorization received by said user. The Coueignoux system and method is based on allowing confidential information to only transmit if consent for publication is affirmatively given. Hence, clearly the systems are compatible and would render a combination system successful.

Finally, as set forth in the final office action, the suggestion to make the claimed combination and the reasonable expectation of success are both found in Lang and Coueignoux.

Therefore, the combination of the Land and Coueignoux is proper and the rejection is hereby sustained.

(c). Third ground

(1). The examiner's response with respect to Appellant's assertion that Coueignoux not analogous to claimed invention, using numerous court decisions, Oetiker, 977 F.2d at 1446; see also Deminski, 796 F.2d at 230; Clay, 996 F.2d at 659;

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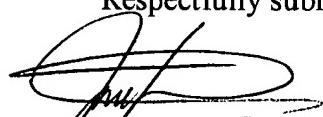
and Wang Laboratories, 993 F.2d 858, supporting such assertion can be found in the above section (a.1).

(2). In response to Appellant's assertion that Schuba and Lambert do not disclose the object of the claimed invention (see Appellant's Brief page 11). Appellant should duly note that Schuba and Lambert were mentioned in the rejection of the last office action as pertinent prior art. They were not considered as part of the rejection.

Therefore, claims 1-20 are rejected under 35 U.S.C. 103 as being obvious by Lang US Patent application Publication no. US/2002/0046041 and Coueignoux US Patent no. 6,092,197, which describes all of the elements of the claimed invention so as to have placed a person of ordinary skill in the art in possession thereof. In re Spada, 911 F.2d 705, 708, 15 USPQ 1655, 1658 (Fed. Cir. 1990).

For the above reasons, it is believed that the rejection under 35 USC 103 with respect to claims 1-20 should be sustained.

Respectfully submitted,


Jean M. Corrielus
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May 24, 2006

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